

**RESOLUTION NO. 75550**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE APPROVING AND ADOPTING A MITIGATED NEGATIVE DECLARATION PREPARED FOR A PLANNED DEVELOPMENT REZONING FOR THE BROOKSIDE ESTATES PROJECT FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM**

**WHEREAS**, prior to the adoption of this Resolution, the Planning Director of the City of San Jose prepared an Initial Study and a Mitigated Negative Declaration for the Brookside Estates Project, Planning File No. PDC10-005 (the "Project"), all in accordance with the requirements of the California Environmental Quality Act of 1970 and related state and local implementation guidelines, as amended (collectively, "CEQA"); and

**WHEREAS**, the Project analyzed under the Initial Study/Mitigated Negative Declaration consisted of a Planned Development Rezoning from A(PD) Planned Development Zoning District to R-1-8(PD) Planned Development Zoning District to allow for the demolition of four existing commercial/industrial buildings and the construction of up to 94 single-family detached residences on the 15.8 gross acre Project site located in San José, California; and

**WHEREAS**, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce those significant effects to a less-than-significant level; and

**WHEREAS**, in connection with the approval of a project involving the preparation of an initial study/mitigated negative declaration that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environment effects to a less-than-significant level; and

**WHEREAS**, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a mitigation monitoring and reporting program to ensure compliance with the identified mitigation measures during project implementation; and

**WHEREAS**, the City of San Jose is the lead agency on the Project, and the City Council is the decision-making body for the proposed rezoning; and

**WHEREAS**, the City Council has reviewed and considered the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project and intends to take action on the Project in compliance with CEQA; and

**WHEREAS**, the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project are, by this reference, fully incorporated into this Resolution as if fully set forth herein.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:**

**THAT THE CITY COUNCIL** does hereby make the following findings: (1) it has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance and consistent with the provisions of CEQA, and (3) the Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project, and (4) based upon the entire record of the Project, including documents and testimony received at the public hearing of the City Council on the Initial Study/Mitigated Negative Declaration, there is no substantial evidence that the implementation of the Project will have a significant impact on the environment. The City Council designates the Director of Planning at the Director's Office at 200 E. Santa Clara Street, 3<sup>rd</sup> floor Tower, San Jose, CA 95113, as the custodian of documents and records of proceedings on which this action is based.

**THAT THE CITY COUNCIL** does hereby certify and adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program prepared for the Project as being compliant with CEQA and representing the independent judgment and analysis of the City as lead agency for the Project. The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are: (1) on file in the Office of the Director of Planning, located at 200 East Santa Clara Street Tower 3, San Jose CA 95113 and (2) available for inspection by any interested person.

**ADOPTED** this 31st day of August, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA,  
NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: LICCARDO.

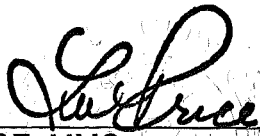
DISQUALIFIED: NONE.



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CHUCK REED  
Mayor

ATTEST:



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LEE PRICE, MMC  
City Clerk